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Mr. David Butler, Esq.  
Hearing Officer  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

Re: Request for Ex Parte Briefing  
Docket No. 2017-370-E

Dear Mr. Butler:

I am writing on behalf of SCE&G and Dominion Energy, Inc. to respond of the request of Jerry Harvell for the Commission to schedule an allowable ex parte communication briefing in Docket No. 2017-370-E. Mr. Harvell filed his request on January 24, 2019.

SCE&G respectfully requests the Commission disallow the request as outside of the scope of an allowable ex parte communication briefing as defined by S.C. Code Ann. § 58-3-260(C)(6). The legal and factual issues concerning the merger between SCANA Corporation and Dominion Energy, Inc. were fully addressed in Docket No. 2017-370-E. The factual record concerning these matters is closed and the deadlines for raising additional legal arguments concerning the Commission's decisions about them have expired.

In his filing, Mr. Harvell states only that the subject of his request is "merger." Mr. Harvell and all interested members of the public were given the opportunity to raise concerns about the merger through the public hearings that were conducted while the record in Docket No. 2017-370-E was open. Mr. Harvell in fact took advantage of that opportunity on September 24, 2018, at the public hearing which the Commission conducted in Columbia. To have participated further in these proceedings, Mr. Harvell would have needed to have filed a timely motion to intervene Docket No. 2017-370-E. If he wished to object to any matters contained in Order No. 2018-804, he would have needed to have filed a petition for rehearing or reconsideration after the order was issued. He has done none of these things. The relevant deadlines for doing so have expired.

Furthermore, under S.C. Code Ann. § 58-3-260(C)(6)(a)(iii), it is a violation of the ex parte statute for anyone to request a “commitment, predetermination or prediction of any commissioner’s action” regarding an issue in any proceeding before the Commission. Were Mr. Harvell to come before the Commission in an allowable ex parte communication briefing to request a change in the rulings contained in Order No. 2018-804, there is a material risk that the statute could be violated.

S.C. Code Ann. § 58-3-260(C)(6)(d) provides the Commission with discretion to decline a request for ex parte briefings. For the reasons described above, SCE&G and Dominion Energy, Inc. respectfully request the Commission does so with the request of Mr. Harvell, as well as any future requests in this docket that may be received.

Sincerely,

/s/Belton T. Zeigler  
Belton T. Zeigler

cc: All parties of record (via email)